Case 18-70874-JAD Doc 32 Filed 07/14/19 Entered 07/15/19 00:39:54 Desc Imaged Certificate of Notice Page 1 of 8

Form 149

### IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

Samuel Balbuena Rebecca Balbuena fka Rebecca Turek Debtor(s) Bankruptcy Case No.: 18–70874–JAD Related to Docket No. 18 Chapter: 13 Docket No.: 30 – 18, 25 Concil. Conf.: at

## ORDER OF COURT CONFIRMING PLAN AS MODIFIED AND SETTING DEADLINES FOR CERTAIN ACTIONS

#### (1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 17, 2019, is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:* 

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,789.00 as of July, 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- □ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at*, *in*. If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☑ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 6 by Nissan Motor Acceptance.
- ☑ H. Additional Terms: The secured claim of Ally Bank at Claim No. 5 shall govern as to claim amount, to be paid at the modified plan terms.

If household income increases by 10 percent or more over the most recent Schedule I, the Debtors shall file an amended Schedule I. Any indicated increase in disposable income (and unsecured pot) is retroactive to date of increase.

## (2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

- **A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P.* 2002(b), this Order shall not become final for a period of twenty–eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty–eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon it's entry.
- **B.** Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.
- **C.** Review of Claims Docket and Objections to Claims. Pursuant to W.PA.LBR 3021-I(c)(2), the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.
- **D.** Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to 11 U.S.C. §§506, 507 and 522 shall be filed within ninety (90) days after the claims bar date.
- **E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

#### (3.) IT IS FURTHER ORDERED THAT:

- A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to 11 U.S.C.  $\S1322(b)(2)$ , nothing in this Order shall be construed to change the payment terms established in the Plan.
- **B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty—one (21) days prior to the change taking effect.
- **D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR* 2016–1 before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- **E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre—confirmation defaults in any subsequent motion to dismiss.
- **F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

<u>Jeffery A. Deller</u> United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Dated: July 12, 2019

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Certificate of Notice Page 4 of 8
United States Bankruptcy Court
Western District of Pennsylvania

In re: Samuel Balbuena Rebecca Balbuena Debtors Case No. 18-70874-JAD Chapter 13

#### CERTIFICATE OF NOTICE

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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on
Jul 14, 2019.
db/jdb
                                           Rebecca Balbuena,
                   +Samuel Balbuena.
                                                                     1931 Menoher Blvd.,
                                                                                                  Johnstown, PA 15905-1728
                   +Ameriserv Financial Ba, 216 Franklin St, Johnstown, P. +Arronrnts, 309 E Paces Ferry, Atlanta, GA 30305-2377 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
14969157
                                                                             Johnstown, PA 15901-1911
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14969160
                  ++BANK OF AMERICA,
                   (address filed with court: Bk Of Amer, Po Box 982238, El Paso, TX 79998) +Barclays Bank Delaware, P.o. Box 8803, Wilmington, DE 19899-8803
14969159
                   +Capl/cabel, 4800 Nw 1st Street, Lincoln, NE 68521-4463
+Capl/cabelas, 4800 Nw 1st Street, Lincoln, NE 68521-4463
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                                     Po Box 30258, Salt Lake City, UT 84130-0258
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                   +Cap1/dbarn,
                    Capital One, N.A., c/o Becket and Lee LLP,
14997888
                                                                               PO Box 3001,
                                                                                                   Malvern PA 19355-0701
                   +Cb/eddiebau, Po Box 182789, Columbus, OH 43218-2789
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                   +Cbna, Po Box 6497, Sioux Falls, SD 57117-6497
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                   +Cbna.
                              Po Box 6217,
                   +Ccb/boscovs, Po Box 182120, Columbus, OH 43218-2120
+Ccs/bryant State Bank, 500 E. 60th Street North, Sic
+Chase Card, Po Box 15298, Wilmington, DE 19850-5298
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Credit First NA, PO Box 818011, Cleveland, OH 44181-8011
Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
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                                                         Mason, OH 45040-8218
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+First Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107-0145
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                   +GOLDMAN SACHS MORTGAGE CO., C/O SERVICE FINANCE CO., LLC, 555 S. FEDERAL HWY #200,
14997111
                     BOCA RATON, FL 33432-6033
                   +Genesis/celtic Indigo, Po Box 4499,
14969204
                                                                     Beaverton, OR 97076-4499
                   +Gm Financial, Po Box 181145, Arlington, TX 76096-1145
14969205
                  +Gulf Oil, Po Box 15119, Amarillo, TX 79105-5410

+Hsbc Bank, 95 Washington St, Buffalo, NY 14203-3006

+Mainline National Bank, 325 Industrial Park Rd., Ebensburg, PA 15931-4117

+*NISSAN MOTOR ACCEPTANCE CORPORATION, LOSS RECOVERY, PO BOX 660366, DALLAS TX 75266-0366
14969206
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                   (address filed with court: Nissan-infiniti Lt, 2901 Kinwest Pkwy, Irving, TX 75063)
Nissan Motor Acceptance, POB 660366, Dallas, TX 75266-0366
14986423
                   +Ollo/tbom, Po Box 9222, Old Bethpage, NY 11804-9222
+Pay Pal Credit, PO Box 71202, Charlotte, NC 28272-1202
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                   +Peoples Natural Gas Company LLC,
                                                                c/o S. James Wallace, P.C.,
                                                                                                       845 N. Lincoln Avenue,
                     Pittsburgh, PA 15233-1828
                   +Service Finance Compan, 555 S Federal Highway, Boca Raton, FL 33432-5505
+Service Finance Company, 555 S Federal Highway, Boca Raton, FL 33432-603
14969215
                   +Service Finance Company, 555 S Federal Highway, Boca Raton, FL 3343 +Sierra Auto, 5005 Lbj Fwy, Dallas, TX 75244-6145 +Sierra Auto Finance Ll, 5005 Lbj Fwy Ste 700, Dallas, TX 75244-6145 +Tbom/contfin, Pob 8099, Newark, DE 19714-8099 +Tbom/milestone, Po Box 4499, Beaverton, OR 97076-4499
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# Case 18-70874-JAD Doc 32 Filed 07/14/19 Entered 07/15/19 00:39:54 Desc Imaged Certificate of Notice Page 5 of 8

District/off: 0315-7 User: ctak Page 2 of 5 Date Rcvd: Jul 12, 2019 Form ID: 149 Total Noticed: 120

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14969205	Po Box 6172, Rapid City, SD 57709-6172 +E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Jul 13 2019 02:53:29 Gm Financial,
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15000080	Kirkland, WA 98083-0788 E-mail/Text: bnc-quantum@quantum3group.com Jul 13 2019 02:53:46
	Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788, Kirkland, WA 98083-0788

## Case 18-70874-JAD Doc 32 Filed 07/14/19 Entered 07/15/19 00:39:54 Desc Imaged Certificate of Notice Page 6 of 8

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                  c/o PRA Receivables Management, LLC, PO Box 41021,
14969246
                +E-mail/Text: bnc-bluestem@quantum3group.com Jul 13 2019 02:54:32
                                                                                             Webbank/fingerhut,
                  6250 Ridgewood Road, Saint Cloud, MN 56303-0820
14969247
                +E-mail/Text: bnc-bluestem@quantum3group.com Jul 13 2019 02:54:32
                                                                                             Webbank/gettington,
                                          Saint Cloud, MN 56303-0820
                  6250 Ridgewood Road,
                                                                                                     TOTAL: 74
            ***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
                 DITECH FINANCIAL LLC Ditech Financial LLC. Po Box 6154 Rapid City Sd,,
15004826
                                                                          57709-6154
                +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
+Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. L
cr*
cr*
                                                                                       845 N. Lincoln Ave.,
                  Pittsburgh, PA 15233-1828
14981206*
                +Acceptance Now, 5501 Headquarters Drive,
                                                                  Plano, TX 75024-5837
               14981207*
                                                         Bloomington, MN 55438-0901
14981208*
                                                                  Johnstown, PA 15901-1911
14981209*
14981211*
                (address filed with court: Bk Of Amer, Po Box 982238, El Paso, T: +Barclays Bank Delaware, P.o. Box 8803, Wilmington, DE 19899-8803 +CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
                                                                                El Paso, TX 79998)
14981210*
14981215*
               ++CAPITAL ONE,
                (address filed with court: Capital One Bank Usa N,
                                                                           15000 Capital One Dr,
                  Richmond, VA 23238)
                +Capl/cabel, 4800 Nw 1st Street, Lincoln, NE 68521-4463
+Capl/cabelas, 4800 Nw 1st Street, Lincoln, NE 68521-4463
14981212*
14981213*
                +Capi/dbarn, Po Box 30258, Salt Lake City, UT 84130-0258
+Capital One, N.a., Po Box 30281, Salt Lake City, UT 84130-0281
+Cb/eddiebau, Po Box 182789, Columbus, OH 43218-2789
+Cb/pier1, Po Box 182789, Columbus, OH 43218-2789
14981214*
14981216*
14981217*
14981218*
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Date Royd: Jul 12, 2019

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Form ID: 149
                                                                                  Total Noticed: 120
               ***** BYPASSED RECIPIENTS (continued) *****
14981219*
                    +Cbna, Po Box 6497, Sioux Falls, SD 57117-6497
                     +Ccb/boscovs, Po Box 182120, Columbus, OH 43218-2120
+Ccs/bryant State Bank, 500 E. 60th Street North, Si
14981220*
14981221*
                                                                                                 Sioux Falls, SD 57104-0478
                     +Chase Card, P.o. Box 15298, Wilmington, DE 19850-5298
+Chase Card, Po Box 15298, Wilmington, DE 19850-5298
14969173*
14981222*
                     +Citi, Po Box 6217, Sioux Falls, SD 57117-6217
+Comenitycb/hsn, Po Box 182120, Columbus, OH 43218-2120
+Credit First N A, Pob 81315, Cleveland, OH 44181-0315
14981223*
14981225*
                     +Credit First N A, Pob 81315,
14981226*
                     +Credit One Bank Na, Po Box 98872,
                                                                          Las Vegas, NV 89193-8872
14981227*
                     +Discover Fin Svcs Llc, Po Box 15316, Wilmington, DE 19850-5316
+Ditech Financial Llc, Po Box 6172, Rapid City, SD 57709-6172
14981228*
14981229*
14981230*
                                        Po Box 8218,
                                                              Mason, OH 45040-8218
                     +Dsnb Bloom,
14981231*
                     +Dsnb Macys,
                                        Po Box 8218,
                                                               Mason, OH 45040-8218
                                                               Sioux Falls, SD 57117-6497
14981232*
                     +Exxmblciti,
                                         Po Box 6497,
                     +First Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107
+Genesis/celtic Indigo, Po Box 4499, Beaverton, OR 97076-4499
+Gm Financial, Po Box 181145, Arlington, TX 76096-1145
14981233*
                                                                                 Sioux Falls, SD 57107-0145
14981234*
14981235*
                     +Gulf Oil, Po Box 15410, Amarillo, TX 79105-5410
+Hsbc Bank, 95 Washington St, Buffalo, NY 14203-3006
+Kohls/capone, Po Box 3115, Milwaukee, WI 53201-3115
14981236*
14981237*
14981238*
                     +Merrick Bank Corp, 10705 S Jordan Gateway, South Jordan, UT 84095-3977
+Midland Funding, 2365 Northside Dr Ste 30, San Diego, CA 92108-2709
14981239*
14981240*
14981241*
                    ++NISSAN MOTOR ACCEPTANCE CORPORATION, LOSS RECOVERY,
                                                                                                     PO BOX 660366,
                                                                                                                              DALLAS TX 75266-0366
                     (address filed with court: Nissan-infiniti Lt, 2901 Kinwest Pkwy, +Ollo/tbom, Po Box 9222, Old Bethpage, NY 11804-9222 +Portfolio Recov Assoc, 120 Corporate Blvd Ste 1, Norfolk, VA 235
                                                                                                                        Irving, TX 75063)
14981242*
14981244*
                                                                                                 Norfolk, VA 23502-4952
                     +Syncb/amazon, Po Box 965015,
                                                                   Orlando, FL 32896-5015
14981247*
                     +Syncb/ashley Homestore, C/o Po Box 965036, Orlando, +Syncb/lowes, Po Box 956005, Orlando, FL 32896-0001
14981248*
                                                                                        Orlando, FL 32896-0001
14981249*
                     +Syncb/paypal Extras Mc, Po Box 965005,
+Syncb/paypal Smart Con, Po Box 965005,
14981250*
                                                                                  Orlando, FL 32896-5005
14981251*
                                                                                   Orlando, FL 32896-5005
14981252*
                     +Syncb/qvc, Po Box 965005,
                                                              Orlando, FL 32896-5005
                     +Syncb/walmart, Po Box 965024, Orlando, FL 32896-5024
14981253*
14981254*
                     +Tbom/contfin,
                                           Pob 8099, Newark, DE 19714-8099
                     +Tbom/milestone, Po Box 4499, Beaverton, OR 97076-4499
14981255*
                     +Td Bank Usa/targetcred, Po Box 673, Minneapolis, MN 55440-0673
+Thd/cbna, Po Box 6497, Sioux Falls, SD 57117-6497
14981256*
14981257*
                                                             Sioux Falls, SD 57117-6241
14981258*
                                        Po Box 6241,
                     +Unvl/citi.
                     Verizon Wireless, National Recovery Operations, Minneapolis, MN 554 +Webbank/fingerhut, 6250 Ridgewood Road, Saint Cloud, MN 56303-0820 +Webbank/gettington, 6250 Ridgewood Road, Saint Cloud, MN 56303-0820
14981259*
                                                                                               Minneapolis, MN 55426
14981260*
14981261*
                     +Wf Bank Na, Po Box 14517, Des Moines, IA 50306-3517
14981262*
                                                                                                                                TOTALS: 2, * 56, ## 0
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Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

User: ctak

District/off: 0315-7

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 14, 2019 Signature: /s/Joseph Speetjens

#### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 12, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmllawgroup.com

Lawrence W. Willis on behalf of Debtor Samuel Balbuena ecf@westernpabankruptcy.com,

urfreshstrt@gmail.com;willislr88866@notify.bestcase.com

Lawrence W. Willis on behalf of Joint Debtor Rebecca Balbuena ecf@westernpabankruptcy.com,

urfreshstrt@gmail.com;willislr88866@notify.bestcase.com

Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

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District/off: 0315-7 User: ctak Page 5 of 5 Date Rcvd: Jul 12, 2019

Form ID: 149 Total Noticed: 120

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com, srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 6